

1 defendants Shawn Hogan and Brian Dunning in the instant action are alleged to have engaged in
2 the same cookie stuffing scheme that is the subject of the indictments. On July 7, 2010, the Court
3 issued an order finding that the instant civil action and the aforementioned criminal cases are
4 related.

5 4. Based on the foregoing, on July 28, 2010, the parties to this action stipulated and
6 moved that this civil action be stayed in its entirety as to all parties until further order by the Court.
7 The parties also stipulated and moved the Court to vacate the existing case management dates,
8 including but not limited to the fact and expert discovery cut-off dates, the pretrial conference date,
9 and the jury trial date. The parties stipulated and moved that a further case management
10 conference be set for February 11, 2011.

11 5. On August 3, 2010, the Court, pursuant to the parties' stipulation and motion,
12 stayed the case in its entirety as to all parties and vacated all existing case management dates.
13 The Court set a further case management conference for February 11, 2011 at 10:30 a.m.

14 6. The criminal cases against defendants Shawn Hogan and Brian Dunning are
15 ongoing, and no trial dates have been set in those matters.

16 7. The parties stipulate and request that the Court continue the case management
17 conference scheduled for February 11, 2011 at 10:30 a.m. until August 12, 2011, or as otherwise
18 convenient for the Court. If either or both of the criminal cases are resolved prior to the
19 rescheduled case management conference, the parties shall timely inform the Court.

20 8. Notwithstanding the foregoing, the parties further stipulate that any party may
21 move at any time to lift the current stay or to set a case management conference before August
22 12, 2011.

23 **IT IS SO STIPULATED.**

24 DATED: January 26, 2011

DAVID R. EBERHART
SHARON M. BUNZEL
NORA PUCKETT
O'MELVENY & MYERS LLP

25 By: /s/ David R. Eberhart
26 David R. Eberhart

27 Attorneys for Plaintiff EBAY, INC.
28

1 DATED: January 26, 2011

SEYAMACK KOURETSCHIAN
ROSS M. CAMPBELL
COAST LAW GROUP LLP

3 By: /s/ Ross M. Campbell
4 Ross M. Campbell

5 Attorneys for Defendants SHAWN HOGAN and
6 DIGITAL POINT SOLUTIONS, INC.

7 DATED: January 26, 2011

LEO J. PRESIADO
RUS, MILIBAND & SMITH

8 By: /s/ Leo J. Presiado
9 Leo J. Presiado

10 Attorneys for Defendants THUNDERWOOD
11 HOLDINGS, INC., BRIAN DUNNING and
12 BRIANDUNNING.COM

13 DATED: January 26, 2011

PATRICK K. MCCLELLAN
LAW OFFICE OF PATRICK K. MCCLELLAN

15 By: /s/ Patrick K. McClellan
16 Patrick K. McClellan

17 Attorneys for Defendant KESSLER's FLYING
18 CIRCUS

19 DATED: January 26, 2011

TODD DUNNING

21 By: /s/ Todd Dunning
22 Todd Dunning

23 *Pro Se*

24 DATED: January 26, 2011

DUNNING ENTERPRISE, INC.

26 By: /s/ Todd Dunning
27 Todd Dunning

ATTESTATION

Pursuant to General Order No. 45 X(B), I hereby attest that concurrence in the filing of this document has been obtained from each of the above-listed signatories.

By: /s/ David R. Eberhart


David R. Eberhart

ORDER

Pursuant to the foregoing stipulation, and good cause appearing therefor, IT IS HEREBY ORDERED that the case management conference scheduled for February 11, 2011 at 10:30 a.m. shall be continued until August 12, 2011 at 10:30 am. This stipulation is without prejudice to any party moving to lift the current stay before the continued case management conference should the circumstances so warrant. Any party may also move the Court to set a case management conference before August 12, 2011.

IT IS SO ORDERED.

Dated: 2/10/2011



The Honorable Jeremy Fogel
United States District Court Judge
Northern District of California

SF1:811592